

N.C.P.I.—Crim. 208.95F
ASSAULT ON EMERGENCY PERSONNEL—DANGEROUS [WEAPON]
[SUBSTANCE]. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(d)

208.95F ASSAULT ON EMERGENCY PERSONNEL—DANGEROUS [WEAPON]
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The defendant has been charged with an assault on [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*] with or through the use of any dangerous [weapon] [substance].

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the victim was a [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*]¹;

Second, that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*] by (*describe assault*);

Third, that the defendant used a dangerous [weapon] [substance]² to carry out this assault by (*describe assault*);

And Fourth, that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot³ was occurring or was imminent].

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant used a dangerous [weapon] [substance] to carry out this assault, and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of assault on emergency personnel through the use of a dangerous weapon or substance, but you must determine whether the defendant is guilty of felony assault on emergency personnel, which differs from assault on emergency personnel through the use of a dangerous weapon or substance in that the State need not prove beyond a reasonable doubt that the defendant used a dangerous weapon or substance to carry out the assault.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting*

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to discharge his or her official duties during the emergency)), that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*]], and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty of assault on emergency personnel. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 14-288.9 (b) defines emergency personnel.
 2. See N.C. Gen. Stat. § 14-288.1(2) for a definition of “dangerous weapon or substance.”
 3. For a definition of “riot,” see N.C. Gen. Stat. § 14-288.2(a).